

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE****PATENT APPLICATION****RECEIVED
CENTRAL FAX CENTER****APR 12 2006**Applicant(s): **Christopher Richard Doerr et al.**Case: **DOERR 73-13 (LCNT/125620)** Confirmation #: **2054**Serial No.: **10/657,862** Filed: **9/9/03**Examiner: **Kianni, Kaveh C.** Group Art Unit: **2883**Title: **INTEGRATEABLE OPTICAL INTERLEAVER AND DE-INTERLEAVER**

CERTIFICATE OF MAILING OR TRANSMISSION
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO, on the date indicated below.

4-12-06
Date

C. Wilson
C. Wilson

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY

Applicants respectfully petition the Commissioner under 37 CFR 1.78(a)(3) for claiming in this pending application the benefit of the earlier filing date of prior-filed nonprovisional U.S. Patent Application No. 10/378,411 (now U.S. Patent No. 6,922,507 B2), filed on March 3, 2003. The prior-filed nonprovisional U.S. Patent Application No. 10/378,411, which issued as U.S. Patent No. 6,922,507 B2 on July 26, 2005, was previously co-pending with this pending application filed on September 9, 2003. The common inventor in prior-filed nonprovisional U.S. Patent Application No. 10/378,411

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and this pending application is Christopher R. Doerr. In accordance with the requirements set forth in 37 CFR 1.78(a)(3), Applicants submit the following:

(i) The reference required by 35 USC 120 and 37 CFR 1.78(a)(2) is concurrently submitted to the Examiner as a Supplemental Amendment, a copy of which is attached to this petition. The amended portion of the specification may be found on Page 2 of the Supplemental Amendment;

(ii) The Commissioner is authorized to charge the fee of \$1370.00 as set forth in 37 CFR 1.17(t), as well as any additional fees which may be required for this petition, to Deposit Account No. 20-0782/LCNT/125620; and

(iii) The entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the filing of this petition was unintentional. Although Applicants referenced prior-filed nonprovisional U.S. Patent Application No. 10/378,411 in the "Cross-Reference to Related Applications" section of the originally filed specification in this pending application, and incorporated prior-filed nonprovisional U.S. Patent Application No. 10/378,411 by reference in its entirety, Applicants inadvertently stated that prior-filed nonprovisional U.S. Patent Application No. 10/378,411 and this pending application are related. Applicants unintentionally failed to state that this pending application is a continuation-in-part of and claims priority to prior-filed nonprovisional U.S. Patent Application No. 10/378,411.

Applicants respectfully submit this Petition and associated Supplemental Amendment, and request acceptance of the priority claim.

Respectfully submitted,

Dated:

4/6/06



Eamon J. Wall
Registration No. 39,414
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